

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

HOWARD D. GOWLER,

Plaintiff,

v.

**DISCOVER BANK,
EQUIFAX INFORMATION SERVICES, LLC,
CSC CREDIT SERVICES, INC., and
EXPERIAN INFORMATION SOLUTIONS, LLC,**

Defendants.

Case No. 09-cv-03-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is a Stipulation for Dismissal (Doc. 35) in which Plaintiff seeks to voluntarily dismiss defendant Discover Bank (“Discover”). The Stipulation is signed by counsel for both Plaintiff and Discover. However, as the other Defendants have already appeared in this case, Plaintiff cannot stipulate to voluntarily dismiss a defendant without the signatures of all parties who have appeared. **See FED. R. CIV. P. 41(a)(1)**. Therefore, the Court hereby construes this Stipulation as a Motion for Voluntary Dismissal, made pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2)**. In so doing, the Court hereby **GRANTS** the Plaintiff’s Motion to Voluntarily Dismiss defendant Discover. Accordingly, Plaintiff’s claims

against defendant Discover in this case are hereby **DISMISSED WITH PREJUDICE**,
each Party to bear its own costs.

IT IS SO ORDERED.

Signed this 10th day of June, 2009.

/s/ David R. Herndon

Chief Judge
United States District Court